

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**ROSEMARIE STUMPF**

**v.**

**NEIL R. GARVEY, et al.**

**(IN RE TYCOM LTD. SECURITIES  
LITIGATION)**

)  
)  
) Hon. Garrett E. Brown, Jr.  
) Chief U.S.D.J.  
) Docket No. 03-CV-03540  
) (GEB)(DEA)  
)  
) **To Be Filed Electronically**  
)  
)

**NOTICE OF SETTLEMENT TO FEDERAL AND/OR STATE OFFICIALS**

**(Class Action Fairness Act, 28 U.S.C. §§ 1711 *et seq.*)**

Pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1715, defendants TyCom Ltd. ("TyCom"), Tyco International Ltd. ("Tyco"), and Tyco's successors in interest, Tyco International (US) Inc. (n/k/a Tyco Electronics (US) Inc.), Tyco Electronics, Ltd., and Covidien Ltd., L. Neil R. Garvey, Goldman, Sachs & Co., Merrill Lynch & Co. and Salomon Smith Barney Inc. (n/k/a Citigroup Global Markets) (collectively "Settling Defendants") provide the following notification of the proposed settlement in In re TyCom Ltd. Securities Litigation, No. 03-cv-3540 (GEB)(DEA) (D.N.J.) (the "Action").<sup>1</sup> The referenced

<sup>1</sup> Defendants L. Dennis Kozlowski and Mark H. Swartz (together, the "Non-Settling Defendants") are not parties to the proposed Settlement and Lead Plaintiff's claims against the Non-Settling Defendants remain pending.

exhibits are contained on the Compact Disc enclosed herewith in .pdf files that may be read with Adobe Acrobat.

28 U.S.C. § 1715(b)	Description	Exhibit Number (on enclosed CD)
1	Complaint filed in <u>Stumpf v. Garvey</u> , No. 03-CV-3540 (GEB) (filed July 24, 2003) (D.N.J.). Case subsequently consolidated with No. 03-CV-4591 as <u>In re TyCom Ltd. Securities Litigation</u> (03-CV-3540).	1a
1	Complaint filed in <u>O'Loughlin v. Garvey</u> , No. 03-CV-4591 (GEB) (filed Sept. 26, 2003) (D.N.J.). Case subsequently consolidated with No. 03-CV-3540 as <u>In re TyCom Ltd. Securities Litigation</u> (03-CV-3540).	1b
1	Consolidated Securities Class Action Complaint filed in <u>In re TyCom Ltd. Securities Litigation</u> , No. 03-CV-1352 (filed Dec. 13, 2004) (D.N.H.). Case subsequently transferred to the United States District Court for the District of New Jersey under docket number 03-CV-3540.	1c
2	Order Preliminarily Approving Settlement and Providing for Notice of Proposed Settlement and Scheduling Settlement Hearing, entered by the Court on May 6, 2010, setting time of the Settlement Hearing as August 25, 2010 at 1:00 pm before the Honorable Garrett E. Brown, Jr., United States District Court for the District of New Jersey, Clarkson S. Fisher Courthouse, 402 E. State Street, Trenton, NJ 08608.	2

28 U.S.C. § 1715(b)	Description	Exhibit Number (on enclosed CD)
3	<p>Affidavit of Compliance with the Court's Order Dated May 18, 2009 Directing Notice to Class Members and exhibits.</p> <p>Class Members were given notice and an opportunity to exclude themselves from the class through Notice of Pendency of Class Action and Summary Notice of Pendency of Class Action, which notices were provided for in an Order of the Court dated May 19, 2009. Pursuant to the Proposed Final Judgment and Order of Dismissal (attached as Exhibit 5 to the CD) with Prejudice, Class Members who did not file a timely request for exclusion from the Class by the October 1, 2009 deadline set forth in the notices of pendency will not have another opportunity to exclude themselves from the Class in connection with the proposed settlement. Class Members who filed timely exclusion requests will not be bound by the release in, or receive any benefit from, the proposed settlement unless they timely file a proof of claim.</p>	3
4	Settlement Agreement and Release dated as of March 26, 2010.	4
5	Class counsel and counsel for the defendants have not entered into any settlement or other agreement contemporaneously with the Stipulation of Settlement and exhibits thereto.	N/A

28 U.S.C. § 1715(b)	Description	Exhibit Number (on enclosed CD)
6	Proposed Final Judgment and Order of Dismissal with Prejudice.	5
7	Because a substantial amount of TyCom stock was purchased through "street name" accounts of various financial institutions, Settling Defendants are not able to identify all individuals and entities who purchased TyCom's stock. It is thus not feasible to identify or reasonably estimate the number of class members who reside in each State or to estimate the proportionate share of the claims of such members to the entire settlement. <sup>2</sup>	N/A
8	There are no written judicial opinions relating to the materials attached as Exhibits 3 through 6.	N/A

The foregoing information is provided based on the information currently available to the Settling Defendants and on the status of the proceedings at the time of the submission of this notification. If you are unable to access any of the information included on the enclosed CD, prefer paper copies of some or all of the enclosed materials or require additional information, please contact TyCom's counsel.

<sup>2</sup> 28 U.S.C. § 1715(b)(7)(A) provides that a notification must include "if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement...." (emphasis supplied).

PLEASE TAKE NOTICE that pursuant to CAFA you are not required to comment on the proposed settlement. However, if you wish to comment, please file your comment at the following address:

Honorable Clerk of Court  
United States District Court  
District of New Jersey  
Clarkson S. Fisher Courthouse  
502 E. State Street  
Trenton, NJ 08608

Alternatively, the United States District Court for the District of New Jersey (the "District Court") uses the federal electronic case filing ("ECF") system. More information about the District Court's ECF system is located at [www.njd.uscourts.gov](http://www.njd.uscourts.gov).

PLEASE TAKE NOTICE that if you choose to comment on the settlement, you should provide notice and a copy of your comment to the counsel identified below.

PLEASE TAKE NOTICE that the Settling Defendants are not under a duty to supplement this notice. If you have any questions about this notice, the underlying action, or the enclosed materials, please contact counsel for the Settling Defendants. The parties' proposed Final Judgment and Order of Dismissal with Prejudice shall request that the Court find that the Settling Defendants have provided notice pursuant to CAFA.



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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing NOTICE OF SETTLEMENT TO FEDERAL AND/OR STATE OFFICIALS and accompanying compact disc were mailed by Federal Express this 10<sup>th</sup> day of May, 2010 to the following:

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